

REMARKS

In the Office Action dated November 29, 2005, claims 24-41 were rejected by the Examiner under 35 USC § 102(e) as anticipated by Ho et al. (US 6 850 981) ("Ho").

In this Amendment, Applicant has amended claims 24-38 to recite that the request to transmit is for a particular data element in order to even more clearly define over Ho and other art of record that indicate to make reservation requests for sessions/applications. The amendments have support at, for example, Fig. 5 and paragraphs [0091] and [0092] of the published application (2002/0141376 A1).

All claims are in condition for allowance based on the foregoing amendments and the following considerations.

1. HO DOES NOT TEACH OR SUGGEST WIRELESS COMMUNICATION WHEREIN A PARTICULAR DATA ELEMENT IS SCHEDULED FOR TRANSMISSION BY A MAC LAYER ELEMENT PURSUANT TO A TRANSMISSION PRIORITY INCLUDED IN A REQUEST TO TRANSMIT THE PARTICULAR DATA ELEMENT

Claims 24-38 as amended recite, *inter alia*, wireless communication wherein a particular data element is scheduled for transmission by a MAC layer element pursuant to a transmission priority included in a request to transmit the particular data element.

In the latest Office Action, the Examiner rejected the foregoing claims in their earlier form based on a repeated assertion that the recited "request to transmit a data element" found correspondence in Ho's reservation request for a session/application. In particular, the Examiner stated thrice in the Office Action (at p. 3, p.5 and again at pp.5-6):

See column 10 line 18 to column 11 line 47 and Figure 4 of Ho for reference to generating a request for a session, which is a request to transmit a data element (emphasis added).

Applicant has amended the subject claims to even more clearly define over Ho. These claims in their amended form recite unequivocally that Applicant's request to transmit pertains to a particular data element. This is far removed from Ho's reservation request for a session/application. Ho's session/application reservation request solicits a sustained reservation for transmitting a large number of data elements that belong to a common flow. Ho's session/application reservation request does not address any data element in particular.

By Ho's own admission, its session/application reservation requests reflect a "macro bandwidth management" strategy (see Ho, col. 10, line 20) for reserving link capacity for transmitting large quantities of data elements that belong to the same flow. The difference between Applicant's request to transmit a particular data element and Ho's session/application reservation requests is manifest in the following definition of "session" from a popular Internet technical dictionary:

In computer science, in particular networking, a session is either a lasting connection using the session layer of a network protocol or a lasting connection between a user (or user agent) and a peer, typically a server, usually involving the exchange of many packets between the user's computer and the server. A session is typically implemented as a layer in a network protocol (e.g., telnet or FTP).

Wikipedia, Computer Science Definition of "Session"

<http://www.answers.com/topic/session-computer-science?method=6>
(emphasis added).

This difference between Ho's and Applicant's requests has operational consequences. Ho's "per session" and Applicant's "per data element" reservation styles further substantially different network policies. Ho's requests may be less frequent and therefore require less signaling overhead than Applicant's requests; however, at the same time, Ho's decoupling of bandwidth reservations from the bandwidth requirements of individual data elements may also lead to gross misallocations of bandwidth.

In summary, claims 24-38 as amended are allowable for at least the reason that the prior art of record fails to teach or suggest wireless communication wherein a particular data element is scheduled for transmission by a MAC layer element pursuant to a transmission priority included in a request to transmit the particular data element.

2. THE ART OF RECORD DOES NOT TEACH OR SUGGEST WIRELESS
COMMUNICATION WHEREIN A DATA ELEMENT IS SCHEDULED FOR
TRANSMISSION PURSUANT TO A TRANSMISSION PRIORITY ENCODED IN AN IEEE
802.1Q TAG WITHIN A REQUEST TO TRANSMIT THE DATA ELEMENT

Claims 25, 31, 35 and 39-41 recite, *inter alia*, wireless communication wherein a data element is scheduled for transmission pursuant to a transmission priority stored in an IEEE 802.1Q tag within a request to transmit the data element.

In the latest Office Action, the Examiner rejected the foregoing claims based on a repeated assertion (at p.6) that

Ho et al. further discloses that the priority for the data element is encoded in an IEEE 802.1Q tag within the request (See column 12 lines 7-28 of Ho et al. for reference to encoding priority in an 802.1Q tag).

The Examiner is mistaken. Ho does not disclose to encode an IEEE 802.1Q tag priority within a request to transmit a data element. The discussion at the cited section of Ho merely addresses the conventional application of an 802.1Q tag priority to a data frame. There is no teaching or suggestion in Ho to apply an IEEE 802.1Q tag priority to a request to transmit a data element that would be later transmitted.

The recitation of wireless communication wherein a data element is scheduled for transmission pursuant to a transmission priority stored in an IEEE 802.1Q tag within a request to transmit the data element provides an independent basis for allowability of claims 25, 31, 35 and 39-41.

3. THE ART OF RECORD DOES NOT TEACH OR SUGGEST WIRELESS COMMUNICATION WHEREIN ACCEPTANCE OF A REQUEST TO TRANSMIT A DATA ELEMENT IS DETERMINED BASED ON A TRANSMISSION BANDWIDTH ENCODED IN THE REQUEST, WHEREIN THE TRANSMISSION BANDWIDTH IS DETERMINED BASED ON EXAMINATION OF THE DATA ELEMENT

Claim 26 recites, *inter alia*, wireless communication wherein acceptance of a request to transmit a data element is determined based on a transmission bandwidth encoded in the request, wherein the transmission bandwidth is determined based on examination of the data element.

In the latest Office Action, the Examiner rejected the foregoing claim based on an assertion (at p.6) that

Ho et al. discloses that the transmission bandwidth is determined based on an examination of the data element (See column 10 line 18 to column 11 line 47 and Figure 4 of Ho et al. for reference to transmission bandwidth needed being based on they [sic] type of data that will be sent in a data session).

The Examiner is mistaken. Ho nowhere indicates to examine a data element to determine a transmission bandwidth to be encoded in a request to transmit the data element. Ho at most suggests encoding a bandwidth in a reservation request for a session/application without indicating how the encoded bandwidth is determined. Moreover, since the reservation requests in Ho are made at the session/application level rather than at the data element level, the artisan of ordinary skill would not have understood Ho's bandwidth determination to involve examination of a data element.

The recitation of wireless communication wherein acceptance of a request to transmit a data element is determined based on a transmission bandwidth encoded in the request, wherein the transmission bandwidth is determined based on an examination of the data element provides an independent basis for allowability of claim 26.

In view of the foregoing, consideration and favorable action on all claims are respectfully requested. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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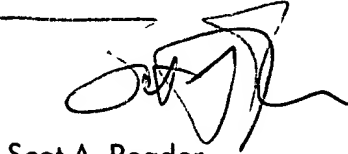
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Reply to Office action mailed November 29, 2005

Should any question remain in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Scot A. Reader", written over a horizontal line.

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